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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/634,735 | 08/08/2000 | Robert J. Snyder | 1752.0010003 | 3531 |

26111 7590 10/05/2004

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 WASHINGTON, DC 20005

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| EXAMINER |
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SRIVASTAVA, VIVEK

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| ART UNIT | PAPER NUMBER |
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2611

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DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/634,735

Applicant(s)

SNYDER ET AL.

Examiner

Vivek Srivastava

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 5, 7, 8, 9, 10.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al (5,987,501 – cited by Applicant's).

Considering claim 1, Hamilton discloses an information server 40 which receives a request for media data in the form of video clips (see col 5 line 64 - col 6 line 33) noting that the video clips meets the claimed “show segments” limitation. Server 40 retrieves these video clips and provides them to the requesting client it should be noted that the video clips are assembled and sent to the client in a stream wherein the individual clips are assembled into a program or a “single video clip”, therefore Hamilton discloses the claimed “assembling the show segments to produce a single video clip and sending the video clip as a whole unit to the requesting client”. Hamilton further discloses buffering at the client (see col 6 lines 10-13 and col 9 lines 57 – 67), it should be noted that a buffer memory inherently provides continuous display of the video clip.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (6,668,377 B1).

Regarding claim 1, Dunn discloses receiving at a server or headend a request for one or more preview video trailers. Dunn discloses a user list, as a customized preferred list, of those preview video trailers a user wants to use (col 7 lines 20 – 28, col 10 lines 45 – 61). Dunn further disclose assembling the preview video clips in sequence and sending the assembled continuous stream to the client (see col 3 lines 29 – 45, col 10 lines 50 – 61). It should be noted since Dunn discloses assembling the preview clips in a continuous sequence, the assembled continuous sequence of video streams meets the claimed “single video clip” limitation. Dunn further discloses caching the trailers in a cache memory in the client device (see col 6 lines 50 –55). Dunn fails to disclose the claimed buffering at the client.

The Examiner takes Official Notice that a buffer memory is known to provide continuous display of media by providing a continuous and smooth output of data when the transmission rate varies. Therefore, it would have been obvious to one having

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ordinary skill in the art to include a buffer memory in the client device to provide a continuous smooth output of data.

Regarding claim 2, Dunn discloses displaying the video clip comprising of video trailers in a continuous loop (see col 11 lines 6-8).

Regarding claim 3, Dunn fails to disclose the assembling step further comprises the step of integrating opinion gathering data into the video clip, wherein the integrating includes instructing the client to present a poll for a user to indicate opinion data.

The Examiner Takes Official notice it is well known in the art to poll a user regarding the user's opinion of a program for statistical purposes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dunn to include the step of integrating opinion gathering data for statistical purposes to better target and provide video previews which are most popular.

Regarding claim 4, Dunn discloses integrating associated information or supporting media into the video clip including title, price and rating of the program (see fig 3 and col 7 lines 56 – 63). It is noted that since the title rental price and rating is displayed, as depicted in fig. 3, the received integrated signal "instructs" or indicates to the receiver device to display the title, rental price and rating information.

Regarding claims 7 and 8, Dunn discloses displaying the title, rental price and rating information for the displayed program and thus discloses instructing the client to present informative media and instructs the clients to present captions.

Claims 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn as applied to claim 1 above, and further in view of Kikinis (5,929,849).

Regarding claims 5 and 6, Dunn fails to disclose wherein the step of integrating includes instructing the client to present an address of an individual or organization to the video clip, wherein the address is selected from the group consisting of URL, email or geographical addresses and instructing the client to present a URL of an electronic bulletin board service.

Kikinis teaches a system which integrates URL into a broadcast program, enabling a user to get additional information about a program by linking to a web page or "bulletin board" (see col 3 lines 10 - 23, col 2 lines 6 – 59). It would have been obvious modifying the integrating step of Dunn to include a URL link to an electronic bulletin board like a web page would have provided a user with access to the Internet and thus a vast amount of information including a vast amount of information regarding a video preview. Therefore, it would have been obvious to one having ordinary skill in the art to modify Dunn to include the step of integrating and instructing the client to present a URL of an electronic bulletin board service to provide a user of the client device access to vast amount of information regarding the video preview.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kindell et al (5,854,887) – system for requesting video clips

Kikinis (6,490,725) – downloading clips on demand

Sacilotto, JR. et al. (6,763,523) – playback of video clips

Tilt (6,029,194) – requesting video frames

Brodigan (6,219,355) – video and data communication system

Duso et al (5,892,915) – editing a list of video clips

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, can be reached at (703) 305 - 4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

9/27/04

VS



VIVEK SRIVASTAVA
PRIMARY EXAMINER